

PUBLIC SERVICE COMMISSION OF WISCONSIN

Minutes and Informal Instructions of the Teleconference and Webcast Open Meeting of
Thursday, May 28, 2020

The Public Service Commission of Wisconsin (Commission) met as noticed. Present were Chairperson Valcq, Commissioner Nowak and Commissioner Huebner.

Minutes

The Commission approved the minutes of the open meeting of Thursday, May 21, 2020.

4000-CW-100 - Application of the Village of Muscoda, as a Water Public Utility, for Authority to Construct the Proposed Municipal Well #4 Project, in the Village of Muscoda, Grant County, Wisconsin

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

6470-CW-101 - Application of the Village of Weyerhaeuser, as a Water Public Utility, for Authority to Construct a Non-Routine Meter Replacement Project, in the Village of Weyerhaeuser, Rusk County, Wisconsin

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

6680-UR-122 - Application of Wisconsin Power and Light Company for Authority to Adjust Electric and Natural Gas Rates

The Commission approved the Notice of Investigation and directed it to be signed by the Secretary to the Commission.

5296-PW-101 - Application of the Town of Scott, Brown County, Wisconsin, as a Water Public Utility, for Authority to Adjust Water Rates through its Purchased Water Adjustment Clause

The Commission approved the Notice of Proceeding and directed it to be signed by the Secretary to the Commission.

5-TI-2788 - Rescission of Certification and/or Registration of Multiple Telecommunications Providers for Failure to File 2020 Annual Questionnaires per Wis. Stat. § 196.25

The Commission approved the Notice of Proceeding and directed it to be signed by the Secretary to the Commission.

9300-PLI-104 - Investigation of the Complaint of Chad Mecus against Olameter, Referred to the Commission Pursuant to Wis. Stat. § 182.0175(3)(br)2.

The Commission found that Chad Mecus (Complainant) has standing to bring a complaint under Wis. Stat. § 182.0175(3) against Olameter (Respondent) as Complainant meets the definition of “excavator” per Wis. Stat. § 182.0175(1)(bm). The Commission also found that the Respondent, as a locator, is a proper party to the complaint per Wis Stat. §§ 182.0175(2m)(a) and (b).

The Commission determined that sufficient cause exists to warrant a hearing on the complaint. The Commission shall set the matter for a public hearing upon 10 days’ notice and treat the Diggers Hotline referred complaint as a contested case.

The Commission directed the Administrative Law Judge (ALJ) to issue a Notice of Hearing consistent with its discussion. The Commission delegated authority to the ALJ to prepare a proposed decision following the hearing pursuant to Wis. Stat. § 227.46(2) that makes the probable cause determination and makes findings as to remedy (forfeiture, educational course, or both) for any violations.

9300-PLI-108 - Investigation of the Complaint of We Energies against J&M Electric, Referred to the Commission Pursuant to Wis. Stat. § 182.0175(3)(br)2.

The Commission found that sufficient cause exists to warrant a hearing on the complaint. The Commission shall set the matter for a public hearing upon 10 days’ notice and treat the Diggers Hotline referred complaint as a contested case.

The Commission directed the Administrative Law Judge (ALJ) to issue a Notice of Hearing consistent with its discussion. The Commission delegated authority to the ALJ to prepare a proposed decision following the hearing pursuant to Wis. Stat. § 227.46(2) that makes the probable cause determination and makes findings as to remedy (forfeiture, educational course, or both) for any violations.

9300-PLI-109 - Investigation of the Complaint of TC Energy against Sunnyworld LLC, Referred to the Commission Pursuant to Wis. Stat. § 182.0175(3)(br)2.

The Commission found that sufficient cause exists to warrant a hearing on the complaint. The Commission shall set the matter for a public hearing upon 10 days’ notice and treat the complaint as a contested case.

The Commission directed the Administrative Law Judge (ALJ) to issue a Notice of Hearing consistent with its discussion. The Commission delegated authority to the ALJ to prepare a proposed decision following the hearing pursuant to Wis. Stat. § 227.46(2) that makes the

probable cause determination and makes findings as to remedy (forfeiture, educational course, or both) for any violations.

2800-LS-100 - Application of the City of Kaukauna, as a Water Public Utility, for Authority to Implement a Financial Assistance Program for Customer-Side Lead Service Line Replacement, in the City of Kaukauna, Outagamie County, Wisconsin

The Commission approved, with conditions, the request of the City of Kaukauna, as a water public utility (KU), for authority to implement a financial assistance program for customer-side lead service line (LSL) replacement, and made the following preliminary determinations.

1. KU shall provide the Commission with a draft of a revised ordinance before the revised ordinance is enacted by the City of Kaukauna. The ordinance shall permit KU to provide the financial assistance. The ordinance shall also remove all references to the use of municipal special charges or special assessments.
2. KU shall remove the priority list contemplated in its application, as well as the process which provides different access to financial assistance depending on whether a customer-side LSL replacement is initiated by the Utility or the customer, and the use of municipal powers, from its program. KU shall file additional application materials as determined by Commission staff to document the changes.
3. The actions described in KU's application, as conditioned and modified by the Commission's approval, are not unjust, unreasonable, or unfairly discriminatory. Wis. Stat. § 196.372(3)(e)1.
4. Loans provided under KU's program will not be forgiven by the water public utility or the municipality. Wis. Stat. § 196.372(3)(e)2.b.
5. As conditioned and modified by the Commission's approval, the percentage of the cost of replacing the property owner's portion of the service line KU intends to provide as financial assistance will be the same for each owner in a class of customers. Wis. Stat. § 196.373(3)(e)3.
6. KU may not use municipal special assessments or special charges for its financial assistance program.
7. KU shall record its program expenses and revenues in subaccounts created in the following manner:
 - a. Loan program: Account 124 subaccount
 - b. Administrative costs: Account 664 subaccount

8. KU shall submit an application for a conventional water rate case no later than two years from the effective date of the Final Decision.
9. KU shall file with the Commission, as part of its annual report to the Commission, a report of the number of service lines replaced, as well as program expenses and revenues in a manner that is consistent with the prescribed subaccounts described in Item 7.
10. KU shall receive approval from the Commission prior to making any significant changes to its financial assistance program.
11. KU shall work with Commission staff to develop tariff provisions for the financial assistance program. The tariff provisions authorized in this docket shall take effect no sooner than one day after the day the applicant has: (a) filed these rates and tariff provisions with the Commission; and (b) made them available to the public at locations where customer payments are accepted, on the applicant's website, or in a form and place that is otherwise readily accessible to the public, pursuant to Wis. Stat. § 196.19 and Wis. Admin. Code § PSC 185.33(1)(f). If a copy of the new tariff provisions is not made available to the public when they are filed with the Commission, the new tariff provisions shall take effect one day after the day they are made available to the public.
12. The Final Decision takes effect one day after the date of service.
13. Jurisdiction is retained.

The Commission directed the Division of Water Utility Regulation and Analysis to draft an order consistent with its discussion.

5-ES-110 - Strategic Energy Assessment for January 1, 2020 Through December 21, 2026

The Commission approved the draft biennial Strategic Energy Assessment to be issued for public comment.

3320-ER-112 - Application of the City of Manitowoc, Manitowoc County, Wisconsin, as an Electric Public Utility, for Authority to Adjust Electric Rates

The Commission approved the Draft Order to Reopen, Notice and Request Comment and directed it to be signed by the Secretary to the Commission.

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2790-ER-105 - Application of the City of Juneau, Dodge County, Wisconsin, as an Electric Public Utility, for Authority to Adjust Electric Rates

The Commission approved the Draft Order to Reopen, Notice and Request Comment and directed it to be signed by the Secretary to the Commission.

The Commission adjourned the meeting at 11:00 a.m.

A handwritten signature in black ink that reads "Steffany Powell Coker". The signature is written in a cursive, flowing style.

Steffany Powell Coker
Secretary to the Commission

DL:01736318